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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,926	02/02/2001	Joan A. Schuller	1037.002	3866

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1515 MARKET STREET  
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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT

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2154

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/775,926	SCHULLER ET AL.
	Examiner Ashok B. Patel	Art Unit 2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-41 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-41 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>09/21/2001</u> .	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

1. Application Number 09/775, 926 was filed on 02/02/2001. Claims 1-41 are subject to examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9, 13-27 and 31-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Bourdelais (US 6, 727, 925).

#### **Referring to claim 1,**

The reference teaches a method for enabling a user to perform a decorating session for a space (Abstract), comprising the steps of:

(a) receiving, at a web server (Fig.1, element 3, col. 6, lines 1-2) , a request from a remote client computer for access to a decorating web site supported by the web server (col. 6, lines 49-52); and

(b) transmitting, in response to the request, software from the web server to the client computer, wherein, when executed on the client computer, the software enables the user to perform the decorating session for the space. (col. 8, lines 9-20).

#### **Referring to claim 2,**

The reference teaches the invention of claim 1, wherein the software enables the user to perform the decorating session for the space without any subsequent communication between the client computer and the web server. (col.8, lines 21-32).

**Referring to claim 3,**

The reference teaches the invention of claim 1, wherein the software comprises an applet which, when executed on the client computer, automatically transmits one or more additional requests to the web server for one or more data files to be downloaded to the client computer. (Fig.4, col.8, lines 35-44).

**Referring to claim 4,**

The reference teaches the invention of claim 3, wherein the one or more data tiles comprise:

- (1) a space graphical user interface (GUI) file corresponding to a GUI for the space to be decorated; (Fig.4, Fig. 5)
- (2) a structural object GUI file corresponding to a GUI identifying one or more structural objects that can be added to the space by the user during the decorating session; (Fig.11, and Fig. 12, Fig. 13, "Window is added as a structural object beside walls and other furniture", col. 2, lines 64-67, col. 11, lines 59-65)
- (3) a structural object data file for each structural object identified in the structural object GUI (Fig.11, and Fig. 12, Fig. 13, "Window is added as a structural object beside walls and other furniture", col. 2, lines 64-67, col. 11, lines 59-65) ; and
- (4) a decorative material GUI file corresponding to a GUI identifying one or more decorative materials that can be applied to the one or more structural objects during the

decorating session, wherein the software causes the space GUI, the structural object GUI, and the decorative material GUI to be displayed on a display device configured to the client computer. (Fig. 10, Fig. 11, Fig. 12, Fig. 13, col. 11, lines 46-67 and col. 12, lines 1-30).

**Referring to claim 5,**

The reference teaches the invention of claim 4, wherein, when the user selects a particular decorative material for a particular structural object, the software applies the decorative material to the structural object in real time to update the display of the space GUI. (col. 10, lines 13-18, col. 2, lines 49-60)

**Referring to claim 6,**

The reference teaches the invention of claim 5, wherein the software controls the appearance of the decorative material based on location of the structural object in the space GUI. (col. 2, lines 64-67, Fig. 10, element 105, col. 11, lines 28-37).

**Referring to claim 7,**

The reference teaches the invention of claim 4, wherein the software provides the user with a plurality of possible locations for a particular structural object represented by a single data file, wherein the software controls the appearance of the structural object based on the location in the space GUI selected by the user for the structural object. (Fig. 9, col. 10, lines 56-65, col. 2, lines 49-60).

**Referring to claim 8,**

The reference teaches the invention of claim 4, wherein at least one structural object data tile corresponds to a rectangular image of the corresponding structural object (Fig.

12, element 120, Fig. 10, element 100) and the software treats any region of the rectangular image outside of the structural object as transparent when displaying the structural object in the space GUI. (col. 2, lines 6-7).

**Referring to claim 9,**

The reference teaches the invention of claim 4, wherein the software controls the display of a first type of structural object based on relative order in which different structural objects are selected during the decorating session, while controlling the display of a second type of structural object independent of relative order in which different structural objects are selected. (col.2, lines 49-59).

**Referring to claim 13,**

13. The invention of claim 1, wherein: the software enables the user to select from a plurality of structural objects to be added into the space during the decorating session; and the software enables the user to select from a plurality of decorative materials to be applied to the selected structural objects during the decorating session. (Fig. 12, Fig. 13, col. 11, lines 46-67 and col. 12, lines 1-30).

**Referring to claim 14,**

The reference teaches the invention of claim 13, wherein the software is able to identify at least one of the decorative materials to match a sample represented by a user-provided scanned image loaded onto the client computer. (col. 19, lines 61-64).

**Referring to claim 15,**

The reference teaches the invention of claim 13, wherein the software provides the user with a plurality of possible locations in the space GUI for a particular structural object. (Fig. 9, col.10, lines 56-65).

**Referring to claim 16,**

16. The invention of claim 15, wherein the software controls the appearance of the particular structural object based on the location in the space GUI selected by the user.(Fig.11 and Fig. 12, all elements, col. 2, lines 49-59).

**Referring to claim 17,**

Claim 17 is a claim to a machine-readable medium, having encoded thereon program code, wherein, when the program code is executed on a machine, the machine implements the method steps of claim 1. Therefore, claim 17 is rejected for the reasons set forth for the claim 1.

**Referring to claims 18 and 19,**

Claims 18 and 19 are claims to an apparatus that enables the user to perform the method steps of claim 1. Therefore, claims 18 and 19 are rejected for the reasons set forth for the claim 1.

**Referring to claim 20,**

The reference teaches a method for enabling a user to perform a decorating session for a space (Abstract), comprising the steps of:

(a) receiving, at a web server (Fig.1, element 3, col.6, lines 1-2), a request from a remote client computer for access to a decorating web site supported by the web server(col. 6, lines 49-52, col.8, lines 9-32) and

(b) executing, in response to the request, software to enable the user to perform the decorating session for the space, wherein, during the decorating session, the user is able to:

(i) select one or more structural objects from a plurality of available structural objects for display in the space (Figs 6-13); and

(ii) select a decorative material from a plurality of available decorative materials to be applied to each selected structural object independent of the decorative materials selected for any other structural object (Figs 6-13, col. 1, lines 63-67 through col. 4, lines 1-49).

**Referring to claim 21,**

The reference teaches the invention of claim 20, wherein the software is executed at the client computer. (col.8, lines 21-32).

**Referring to claim 22,**

The reference teaches the invention of claim 20, wherein the software accesses:

(1) a space graphical user interface (GU1) data file corresponding to a GUI for the space to be decorated(Fig.4 and 5);

(2) a structural object GUI data file corresponding to a GUI identifying the plurality of available structural objects that can be added to the space by the user during the decorating session(Fig.11, and Fig. 12, Fig. 13, "Window is added as a structural object beside walls and other furniture", col. 2, lines 64-67, col. 11, lines 59-65)

;

(3) a structural object data file for each structural object identified in the structural object GUI (Fig.11, and Fig. 12, Fig. 13, "Window is added as a structural object beside walls and other furniture", col. 2, lines 64-67, col. 11, lines 59-65); and

(4) a decorative material GUI tile corresponding to a GUI identifying the plurality of available decorative materials that can be applied to the available structural objects during the decorating session, wherein, during the decorating session, the software causes the space GUI, the structural object GUI, and the decorative material GUI to be displayed on a display device configured to the client computer. (Fig. 10, Fig. 11, Fig. 12, Fig. 13, col. 11, lines 46-67 and col. 12, lines 1-30).

**Referring to claim 23,**

The reference teaches the invention of claim 20, wherein, when the user selects a particular decorative material for a particular structural object the software applies the decorative material to the structural object in real time to update the display of the space.(col. 10, lines 13-18, col. 2, lines 49-60)

**Referring to claim 24,**

The reference teaches the invention of claim 20, wherein the software controls the appearance of the decorative material based on location of the structural object in the space. (col. 2, lines 64-67, Fig. 10, element 105, col. 11, lines 28-37).

**Referring to claim 25,**

The reference teaches the invention of claim 20, wherein the software provides the user with a plurality of possible locations for a particular structural object represented by

a single data file, wherein the software controls the appearance of the structural object based on the location in the space selected by the user.(Fig.9, col. 10, lines 56-65, col. 2, lines 49-60).

**Referring to claim 26,**

The reference teaches the invention of claim 20, wherein at least one structural object is represented by a rectangular image of the structural object (Fig. 12, element 120, Fig.10, element 100) and the software treats any region of the rectangular image outside of the structural object as transparent when displaying the structural object in the space (col. 2, lines 6-7).

**Referring to claim 27,**

The reference teaches the invention of claim 20, wherein the software controls the display of a first type of structural object based on relative order in which different structural objects are selected during the decorating session, while controlling the display of a second type of structural object independent of relative order in which different structural objects are selected during the decorating session. (col. 2, lines 49-59).

**Referring to claim 31,**

The reference teaches the invention of claim 20, wherein the software is able to identify at least one of the decorative materials to match a sample represented by a user-provided scanned image loaded onto the client computer.(col. 19, lines 61-64).

**Referring to claim 32,**

The reference teaches the invention of claim 20, wherein the software provides the user with a plurality of possible locations in the space for a particular structural object.(Fig.9, col. 10, lines 56-65).

**Referring to claim 33,**

The reference teaches the invention of claim 32, wherein the software controls the appearance of the particular structural object based on the location in the space selected by the user. (Figs 11 and 12, all elements, col. 2, lines 49-59).

**Referring to claim 34,**

The reference teaches the invention of claim 20, wherein the decorating web site enables the user to select the space from a plurality of different space types, wherein the available structural objects for the space is a function of the space type. (Figs. 4 and 5, element 66, Fig. 12 and 13, elements 118, 121).

**Referring to claim 35,**

Claim 35 is a claim to a machine-readable medium, having encoded thereon program code, wherein, when the program code is executed on a machine, the machine implements the method steps of claim 20. Therefore, claim 35 is rejected for the reasons set forth for the claim 20.

**Referring to claims 36 and 37,**

Claims 36 and 37 are claims to an apparatus that enables the user to perform the method steps of claim 20. Therefore, claims 36 and 37 are rejected for the reasons set forth for the claim 20.

**Referring to claim 38,**

The reference teaches a method for enabling a user to perform a decorating session for a space, comprising the steps of:

- (a) receiving, at a web server (Fig.1, element 3, col. 6, lines 1-2), a request from a remote client computer for access to a decorating web site supported by the web server (col.6, lines 49-52); and
- (b) executing, in response to the request, software to enable the user to perform the decorating session for the space, wherein, during the decorating session, the user is able to:
  - (i) select one or more structural objects represented in a display corresponding to the space(Figs 6-13);; and
  - (ii) select a decorative material from a plurality of available decorative materials to be applied to each selected structural object independent of the decorative materials selected for any other structural object, wherein the software controls the appearance of the decorative material based on one or more characteristics of the structural object in the space(Figs 6-13, col. 1, lines 63-67 through col. 4, lines 1-49).

**Referring to claim 39,**

The reference teaches the invention of claim 38, wherein the software is executed at the client computer. (col.8, lines 21-32).

**Referring to claim 40,**

The reference teaches the invention of claim 38, wherein, when the user selects a particular decorative material for a particular structural object, the software applies the

decorative material to the structural object in real time to update the display of the space. (col. 10, lines 13-18, col. 2, lines 49-60).

**Referring to claim 41,**

The reference teaches the invention of claim 38, wherein the one or more characteristics of the structural object comprises location of the structural object in the space. (Fig. 5, element 66, Fig. 12 and Fig. 13, elements 115, 118, 120, 121).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10-12 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourdelais (US 6, 727, 925) in view Plaskoff et al. (hereinafter Plaskoff) (US 2001/0032062).

**Referring to claims 10 and 28,**

Keeping in mind the teachings of Bourdelais as stated above, the reference teaches to save the work as it is. (col. 12, lines 31-37, col. 13, lines 57-61). The reference fails to teach wherein the software enables the user to generate a listing documenting results of the decorating session for use in a subsequent decorating session performed by either the user or another user. The reference Plaskoff teaches a method which includes receiving a renovation order for a construction renovation project from a customer at an

Internet interface, where the renovation order is prepared by the customer including designing, specifying, and purchasing the project via the Internet interface, delivering materials specified in the renovation order and needed to perform the construction renovation project to a renovation location specified in the construction renovation project renovation order, and performing construction services of the construction renovation project as specified in the renovation order at the renovation location(Abstract) and teaches operation templates which includes generation of customer selection sheet and listing of all parts. (page 10, para.[0105],[0109] and [0117]). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify and enhance Bourdelais with the teachings of Plaskoff such that an improved system for designing, specifying, purchasing and constructing construction renovation services be provided that overcomes the limitations of conventional techniques as taught by Plaskoff.

**Referring to claims 11, 12, 29 and 30,**

Keeping in mind the teachings of Bourdelais as stated above, the reference fails to teach wherein the software is able to generate a cost associated with results of the decorating system and wherein the software enables the user to make a purchase based on results of the decorating session. The reference Plaskoff teaches “FIG. 12 depicts an exemplary embodiment of a GUI pop-up window 1200 illustrating an exemplary help resource providing a guaranteed cost and time duration. The odigo guide 320, in an exemplary embodiment, can, e.g., prompt the customer user to enter a zip code of the location of the renovation. Based on the zip code of the renovation, a

database query can be performed to determine whether service coverage exists for the zip code region and if so, can provide an estimate of the cost of renovating the room. The Odigo guide 320 can be used to determine a price and estimated time for construction of the project. In one exemplary embodiment, a fixed time period can be guaranteed. In another exemplary embodiment, a fixed price 1202 can be guaranteed for performing the renovation project. (page 9, para.[0101]). The reference also teaches "once all modifications are complete, the user can then store the resulting rendering using save button 910, and/or can print a hardcopy of the rendering using button 912, and/or the user can undertake to purchase the renovation of the design using buy button 914.(page 9, para. [008]). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify and enhance Bourdelais with the teachings of Plaskoff such that an improved system for designing, specifying, purchasing and constructing construction renovation services be provided that overcomes the limitations of conventional techniques as taught by Plaskoff.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (703) 305-2655. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp  
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